

Application No. 10/668,781

REMARKS

This is a response to the Office Action mailed December 14, 2005.

- Claim 38 has been amended.
- Claims 38 and 40-43 are pending in the application.
- Claims 38 and 40-43 have been rejected by the Examiner.
- Claims 1-37, 39, and 44-64 have been canceled.

Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected Claims 38, 40, 41, and 43 under 35 U.S.C. §102(b) as being anticipated by Berg et al. (U.S. Patent Number 6,074,415). Applicant respectfully disagrees.

Claim 38 recites “a plurality of polymeric strips circumferentially spaced from each other around the body of the stent ... wherein the plurality of strips have a modulus of elasticity lower than the body of the stent.” Berg et al. do not teach or suggest the above-mentioned feature of claim 38. Thus, Claim 38 is patentably allowable. Claims 40, 41, and 43 depend from claim 38 and are allowable for at least the same reason that Claim 38 is allowable. Applicant respectfully requests removal of the rejection of Claims 38, 40, 41, and 43.

Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected Claims 38 and 40-43 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Berg et al. Applicant respectfully disagrees.

The Examiner states that Berg et al. discloses “the frame including wires (40, 44) being made from nitinol and coated with polymeric material” and that Berg et al. suggest that “the frame can be made from polymeric material.” Berg et al., however, teach that “wire connectors

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34 are preferably formed from the same type of flexible material as frame 38.” Even if it is obvious to make the “wire/strips of Berg. et al.’s device from a polymeric material,” as the Examiner suggests,” Berg et al. do not teach or suggest the “wire/strips” having a different modulus of elasticity than “frame 34.” Other than a coating, Berg et al. prefers that the “wire/strips” be of the same material as “frame 34.” Thus, the “wire/strips” cannot have a modulus of elasticity lower than “frame 34.”

Berg et al. do not teach or suggest the feature of Claim 38, “a plurality of polymeric strips circumferentially spaced from each other around the body of the stent ... wherein the plurality of strips have a modulus of elasticity lower than the body of the stent.” Therefore, Claim 38 is not anticipated by Berg et al. and is patentably allowable. Thus, Claim 38 is not anticipated by Berg. et al. and is patentably allowable. Claims 40-43 depend from claim 38 and are allowable for at least the same reason that Claim 38 is allowable. Applicant respectfully requests removal of the rejection of Claims 38 and 40-43.

Furthermore, the Examiner has provided no basis, nor is there a basis, for obviousness of the above-mentioned feature. Thus, Claim 38 is patentably allowable. Claims 40-43 depend from Claim 38 and are allowable for at least the same reason that Claim 38 allowable. Applicant respectfully requests removal of the obviousness rejection of Claims 38 and 40-43.

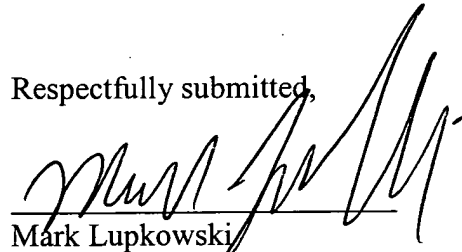
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CONCLUSION

Claims 38 and 40-43 are pending in this application. Applicant has placed the claims in condition for allowance as indicated by the Examiner. Examination and allowance of the claims are respectfully requested. If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 954-0297.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark Lupkowski', is written over a horizontal line.

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